

April 4, 2019

Attached to this letter is a memorandum that summarizes comprehensively the testimony and documentary evidence that Michael Cohen presented before your committee, and the country that evidences crimes and wrongful acts committed by President Donald J. Trump before and after he became president. Mr. Cohen was subpoenaed to appear by the Senate Select Committee on Intelligence on February 26, 2019, and voluntarily before the House Committee on Oversight and Reform on February 27, 2019 and before the House Permanent Select Committee on Intelligence on February 28, 2019 and again on March 6, 2019.

There is no doubt that Mr. Cohen's testimony, both public and private, has contributed substantially, with documents and other evidence, to triggering additional areas for investigation by law enforcement authorities and the Congress. For example, based upon Mr. Cohen's continued cooperation and assistance regarding Mr. Trump's personal financial statements, Congress found a basis to seek at least six years of Mr. Trump's corporate and personal tax returns.

We are hoping you will carefully read the memorandum and the attached documents presented by Mr. Cohen. Recently a book was published entitled *Michael Cohen's Testimony: The Complete Transcripts and Case Documents* (Diversion Books), which signifies the importance of Mr. Cohen's testimony. We are writing this letter in the hope that you will support Mr. Cohen's value as a cooperating witness and the need for him to be readily accessible.

Since his appearances, at least six government entities — not just congressional committees, but New York State authorities — have requested detailed, additional information, document review, personal interviews, and assistance from Mr. Cohen. Mr. Cohen, again voluntarily with no subpoena, has done his best to devote his available time, meet with and cooperate with all, and to spend time searching for what has been requested. He has done so despite intense personal pressures and stresses he faces for himself and his family. However, with 30 days left before he surrenders to prison, time is no longer a luxury he is capable of.

We hope that this memorandum demonstrates that Mr. Cohen needs to be *readily accessible and immediately available to provide ongoing assistance to Congress in order for it to fulfill its executive branch oversight responsibilities*. Mr. Cohen was only recently able to access a hard drive with important documents. Said drive contains over 14 million files, which consist of all e-mails, voice recordings, images, and attachments from Mr. Cohen's computers and phones. To date, Mr. Cohen has located several documents that we believe have significant value to the various congressional oversight and investigation committees. Working alone, Mr. Cohen has only had the time to go through less than 1 percent of the drive, or approximately 3,500 files. Mr. Cohen needs time, resources, and assistance to separate out privileged and personal documents from these 14 million files to make the rest available for review by various congressional committees that have sought his help in fulfilling their Article I oversight responsibilities. Mr. Cohen is prepared to do so — but it will take time, effort, and ready

accessibility to members of Congress and their staffs to assist in providing the relevant documents.

We are sending this memorandum and these materials to various Democratic Members of the applicable committees. We have not yet sent it to Republicans but are willing to do so if any are interested. We are not sure they are, since during his public appearance, virtually every single Republican member during the public and private testimony used all their time to attack Mr. Cohen personally, rather than to ask substantive questions regarding possible wrongdoing by Mr. Trump.

For example, it was striking that after Mr. Cohen publicly displayed on TV screens, during his House Oversight Committee testimony, a \$35,000 check to Mr. Cohen from President Trump's personal checking account, dated August 1, 2017 – *seven months into his presidency, not one Republican on the committee* – not one Republican Member on the panel asked Mr. Cohen about this check. Nor did any ask about another check, dated March 17, 2017, co-signed by Mr. Trump's son, Don Jr., and his company's CFO, Mr. Allen Weisselberg – this one drawn from the Donald J. Trump – Revocable Trust Account, which was established after Mr. Trump's election precisely to wall him off from any benefit from that account while he was president.

These \$35,000 checks sent to Mr. Cohen, and other checks sent to him over the course of about a year while Mr. Trump served as president, indisputably were "reimbursements" (as Mr. Trump's attorney, Rudy Giuliani, admitted publicly) to Mr. Cohen. They were intended to implement a secret and illegal hush money scheme to keep quiet Mr. Trump's affair with an adult film star quiet just a few days before the election. Federal prosecutors named in the Southern District of New York found that Mr. Trump directed this illegal scheme, to which Mr. Cohen pled guilty. And there was no legal services/retainer agreement at all to justify the payments – that was just an artifice to cover-up the illegal scheme, according to prosecutors. Yet, to repeat, no Republican Member of the Oversight Committee showed any interest in asking a single question about these checks.

To repeat: if Republican Members of these committees are interested in the substantive testimony of Mr. Cohen and receiving this memorandum and accompanying documents, we would be happy to send them a copy. Indeed, we invite them to do so.

In conclusion, as attorneys for Mr. Cohen, we would greatly appreciate in the near future your sending us a letter documenting two facts — not as advocates for Mr. Cohen but simply to state the facts:

1) that Mr. Cohen substantially cooperated with Congress voluntarily and has continued to do so; and

2) that the substantial trove of new information, documents, recordings, and other evidence he can provide requires substantial time with him and ready access to him by congressional committees and staff to complete their investigations and to fulfill their oversight responsibilities required under the Constitution as the Article I independent branch of government.

Finally, in closing, we write this as Mr. Cohen's attorneys, as well as those who believe in basic justice. It is a fact that *Mr. Cohen remains the only member of the Trump Organization, including Mr. Trump himself, who has been prosecuted* and who is going to prison for conduct almost all of which was for the benefit of Mr. Trump personally and indeed directed by him. In our opinion, there is something unjust here. In addition, it is our professional opinion that the length of the sentence to which Mr. Cohen was subjected is, most respectfully, disproportionate given the particular facts and circumstances underlying each of the crimes to which Mr. Cohen pled guilty.

It is our hope that the authorities in the Southern District of New York will consider this total picture of cooperation by Mr. Cohen, verified by your letter and the important new evidence he has made available or could make available to assist the government, and the particular facts involved here to grant Mr. Cohen a reduced term following the rules and procedures of the Southern District of New York. It is also our hope, again expressed with all respect, that the Southern District of New York recognizes the need for Mr. Cohen to be readily available to Congress and to prosecutors conducting these investigations, such that his date to report for incarceration about four weeks from now will be substantially postponed while he is fully cooperating with prosecutors and Congress.

If you wish to discuss any issues or to meet with us, please feel free to call Lanny Davis at his law office: 202-899-3845 or 202-899-3827.

Sincerely,

A handwritten signature in cursive script that reads "Lanny J. Davis".

Lanny J. Davis

Michael Monico

Carly Chocron

Attorneys for Michael Cohen